

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

IN RE: CHARLES MULLINS and)
 RUTH MULLINS)
))
 Debtors.)
_____))
CHARLES V. MULLINS, JR.)
))
and)
))
RUTH MULLINS,)
))
 Plaintiffs,)
))
v.)
))
JOHN COLLIER,)
))
 Defendant.)
_____))

Case No. 10-71135

Chapter 7

NOTICE

PLEASE TAKE NOTICE that on Tuesday, September 14, 2010 at 10:00 a.m., the plaintiffs, Charles V. Mullins, Jr. and Ruth Mullins, will appear before the United States Bankruptcy Court for the Western District of Virginia, 210 Church Avenue, SW, Roanoke, Virginia 24011 to be heard on the following Motion for Contempt.

MOTION FOR CONTEMPT

COMES NOW your plaintiffs, Charles and Ruth Mullins, by counsel, and move this Honorable Court for relief under Code Section 524(a)(2) of the United States Bankruptcy Code and in support of their motion state the following:

1. The plaintiffs filed a Chapter 7 petition on May 10, 2010.

2. The plaintiffs listed a debt from Charles Mullins to John Collier in the amount of Twenty Eight Thousand Dollars (\$28,000.00) for a personal loan.
3. John Collier received notice of the above filing.
4. John Collier appeared at the creditor's meeting in the above-styled case, but did not examine the plaintiffs.
5. The plaintiffs received a discharge by order of this Court entered on August 3, 2010.
6. The above-referenced debt to John Collier was discharged by the order of this Court.
7. This Court has jurisdiction over this matter.
8. Before the petition was filed on May 10, 2010, John Collier appeared at Mr. Mullins' place of employment and told him that John Collier would hate to see Ruth Mullins end up in a wheelchair because of Charles' Mullins unpaid debt.
9. On another occasion prior to filing, John Collier told Mr. Mullins that the above personal loan was funded by a group of people associated with Mr. Collier, and that they intended to make money from the loan.
10. On August 7, 2010, at approximately 2:10 p.m., John Collier called Mr. Mullins at work and told Mr. Mullins that Mr. Mullins was nine payments behind on the loan, and that John Collier wanted to meet with Mr. Mullins to tell him exactly where the money for the loan came from, because he need to know exactly who he was borrowing from.

11. In the above telephone conversation John Collier told Mr. Mullins to meet him at John Collier's home or at a nearby Hardee's restaurant so that he could meet the people who lent him the money.

12. The above communications from John Collier to Mr. Mullins constitute actual and implied threats made against the plaintiffs by John Collier to collect a debt that has been discharged by this Court.

13. John Collier willfully and contemptuously violated the injunction against collection created by 11 U.S.C. § 524(a)(2).

14. The plaintiffs incurred actual damages including costs and attorneys' fees for Margaret C. Valois and M. Paul Valois to defend them in this action.

WHEREFORE, your plaintiffs, Charles Mullins and Ruth Mullins, move this Court for an order finding the defendant John Collier in contempt of the discharge order of this Court, and that the plaintiffs be awarded costs and attorneys' fees expended in this action, and for such other further relief that this Court may deem necessary.

Respectfully submitted,

**CHARLES MULLINS and
RUTH MULLINS**
By counsel

/s/ M. Paul Valois
M. Paul Valois, Esq. (VSB # 72326)
Counsel for the Plaintiffs
725 Church Street
Lynchburg, Virginia 24504
Telephone: 434-845-4529
Facsimile: 434-845-8536
Email: mv@vbclegal.com

Certificate of Service

I, M. Paul Valois, Esq., do hereby certify that I have mailed, by United States first-class certified mail, returned receipt requested, postage, pre-paid, a true copy of the foregoing Notice and Motion for Contempt to Roy V. Creasy, Trustee, at 213 South Jefferson Street, Suite 915, Roanoke, Virginia 24011 and to the Defendant, John Collier at 3014 Collingwood St, NE, Roanoke, Virginia 24012 on this the 23rd day of August, 2010.

/s/ M. Paul Valois

M. Paul Valois, Esq.